

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In Re:

YARITZA RIVERA

Case No: 6-16-bk-04002

Debtor(s)

FIRST AMENDED CHAPTER 13 PLAN

CHECK ONE:

 X Debtor¹ certifies that the Plan does not deviate from the model plan adopted by the Court at the time of the filing of this case. Any nonconforming provisions are deemed stricken.

 The Plan contains provisions that are specific to this Plan in paragraph 9, Nonconforming Provisions. Any nonconforming provision not set forth in paragraph 9 is deemed stricken.

1. MONTHLY PLAN PAYMENTS. Plan payments include the Trustee's fee of 10% and shall begin 30 days from petition filing/conversion date. Debtor shall make payments to the Trustee for the period of 60 months. If the Trustee does not retain the full 10%, any portion not retained will be disbursed to allowed claims receiving payment under the plan and may cause an increased distribution to the unsecured class of creditors:

- (A) \$222.00 for months 1 through 5
- (B) \$1784.00 for months 6 through 10
- (C) \$1,844.00 for months 11 through 60

To pay the following creditors:

2. ADMINISTRATIVE ATTORNEY'S FEES.

Base Fee \$3,000.00 Total Paid Prepetition \$2,000.00 Balance Due: \$1,000.00 plus monitoring fees.

Estimated Additional Fees Subject to Court Approval \$ _____

Attorney's Fees Payable through Plan \$1,000.00 from Month No 1 through 10; Monthly monitoring fees for months 11 through 36 (subject to adjustment).

¹ All references to "Debtor" include and refer to both of the debtors in a case filed jointly by two individuals.

3. **PRIORITY CLAIMS (as defined in 11 U.S.C. § 507).**

CREDITOR	CLAIM	MONTHLY PAYMENT	PAYMENTS No.
Modesto Lopez	\$1,000.00	100.00	1-10

4. **TRUSTEE FEES.** Trustee shall receive a fee from each payment received, the percentage of which is fixed periodically by the United States Trustee.

5. **SECURED CLAIMS.** Pre-confirmation payments allocated to secured creditors under the Plan, other than amounts allocated to cure arrearages, shall be deemed adequate protection payments.

(A) Claims Secured by Real Property Which Debtor Intends to Retain/ Mortgage Payments and Arrears, if any, Paid through the Plan. If the Plan provides for curing prepetition arrearages on a mortgage, Debtor will pay, in addition to all other sums due under the proposed Plan, all regular monthly post petition mortgage payments to the Trustee as part of the Plan. These mortgage payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing each month thereafter. The Trustee shall pay the post petition mortgage payments on the following mortgage claims:

	CREDITOR	Collateral	Reg Mo. Pmt	ARREARS	Payment Amount	Pay Number
	HSBC (mortgage)	HOME	1,270.00	7,332.00	134.00	6-60
	Wetherbee HOA	HOME		11,210.00	\$100.00 \$205.00	1-10 11-60

(B) Claims Secured by Real Property/Debtor Intends to Seek Mortgage Modification. Pending the resolution of a mortgage modification request, Debtor shall make the following adequate protection payments to the Trustee: (1) for *homestead* property, the lesser of 31% of gross disposable monthly income of Debtor and non-filing spouse, if any (after deducting homeowners association fees), or the normal monthly contractual mortgage payment, or (2) for *non-homestead*, income-producing property, 75% of the gross rental income generated from the property:

Last 4 Digits of Acct. No.	Creditor	Collateral Address	Pmt. Amt.
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(C) Claims Secured by Real Property or Personal Property to Which Section 506

Valuation APPLIES. Under 11 U.S.C. § 1322(b)(2), this provision does not apply to a claim secured solely by Debtor's principal residence. A separate motion to determine secured status or to value the collateral must be filed. The secured portion of the claim, estimated below, shall be paid:

(D) Claims Secured by Real Property and/or Personal Property to Which Section

506 Valuation DOES NOT APPLY. Claims of the following secured creditors shall be paid in full with interest:

Acct. No.	Creditor	Collateral	Claim Amount	Payment	Months
	HSBC	Home	\$7,332.00	125.00	2-60
	Wetherbee HOA	Home	\$10,566.00	\$100.00 \$192.00	1-10 11-60

**(E) Claims Secured by Personal Property – Maintaining Regular Payments and
Curing Arrearages, if any, with All Payments in Plan.**

Last 4 Digits of Acct No.	Creditor	Collateral Description	Regular Payment	Arrearages
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(F) Secured Claims/Lease Claims Paid Direct by Debtor. The following secured claims/lease claims are being made via automatic debit/draft from Debtor's depository account and are to continue to be paid direct to the creditor or lessor by Debtor outside the Plan via automatic debit/draft. The automatic stay is terminated *in rem* as to Debtor and *in rem* and *in personam* as to any codebtor as to these creditors and lessors upon the filing of this Plan.

Nothing herein is intended to terminate or abrogate Debtor's state law contract rights. (Note: The Plan must provide for the assumption of lease claims that Debtor proposes to pay direct in the Lease/Executory Contract Section 6 below.)

Last 4 Digits of Acct No.	Creditor	Property/Collateral
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(G) Liens to be Avoided per 11 U.S.C. § 522/Stripped Off per 11 U.S.C. § 506. A separate motion to avoid a lien under § 522 or to determine secured status and to strip a lien under § 506 must be filed.

Last 4 Digits of Acct No.	Creditor	Collateral Description/Address
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(H) Surrender of Collateral/Leased Property. Debtor will surrender the following collateral/leased property. The automatic stay is terminated *in rem* as to Debtor and *in rem* and *in personam* as to any codebtor as to these creditors and lessors upon the filing of this Plan. (Note: The Plan must provide for the rejection of lease claims in the Lease/Executory Contract section below.)

Last 4 Digits of Acct No.	Creditor	Property/Collateral to be Surrendered
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6. LEASES/EXECUTORY CONTRACTS.

Last 4 Digits of Acct No.	Creditor	Property	Assume/Reject-Surrender	Est. Arrears
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7. **GENERAL UNSECURED CREDITORS.** General unsecured creditors with allowed claims shall receive a *pro rata* share of the balance of any funds remaining after payments to the above referenced creditors or shall otherwise be paid under a subsequent Order Confirming Plan. The estimated dividend to unsecured creditors shall be no less than \$ _____.

8. ADDITIONAL PROVISIONS:

- (A) Secured creditors, whether or not dealt with under the Plan, shall retain the liens securing such claims;
- (B) Payments made to any creditor shall be based upon the amount set forth in the creditor's proof of claim or other amount as allowed by an Order of the Bankruptcy Court.
- (C) Property of the estate (check one)*

- (1) _____ shall not vest in Debtor until the earlier of Debtor's discharge or dismissal of this case, unless the Court orders otherwise; or
- (2) _____ shall vest in Debtor upon confirmation of the Plan.

*If Debtor fails to check (1) or (2) above, or if Debtor checks both (1) and (2), property of the estate shall not vest in Debtor until the earlier of Debtor's discharge or dismissal of this case, unless the Court orders otherwise.

- (D) The amounts listed for claims in this Plan are based upon Debtor's best estimate and belief and/or the proofs of claim as filed and allowed. The Trustee shall only pay creditors with filed and allowed proof of claims. An allowed proof of claim will control, unless the Court orders otherwise.
- (E) The Debtor may attach a summary or spreadsheet to provide an estimate of anticipated distributions. The actual distributions may vary. If the summary or spreadsheet conflicts with this Plan, the provisions of the Plan control prior to confirmation, after which time the Order Confirming Plan shall control.
- (F) Debtor shall timely file all tax returns and make all tax payments and deposits when due. (However, if Debtor is not required to file tax returns, Debtor shall provide Trustee with a statement to that effect.) For each tax return that becomes due after the case is filed, Debtor shall provide a complete copy of the tax return, including business returns if Debtor owns a business, together with all related W-2s and Form 1099s, to the Trustee within 14 days of filing the return. Unless otherwise ordered by the Court, Debtor shall turn over to the Trustee all tax refunds in addition to regular Plan payments. Debtor shall not instruct the Internal Revenue Service or other taxing agency to apply a refund to the following year's tax liability. **Debtor shall spend no tax refunds without prior court approval.**

YARITZA RIVERA

Dated: 10/23/2016

I hereby certify that on the 23rd day of October 2016 I delivered either by US Mail or Electronic mail copy of this Plan to everyone listed on the attached matrix.


MODESTO LOPEZ, ESQ.
Debtors' Attorney
FL BAR NO. 0623751
2707 E. Jefferson Street
ORLANDO, FL 32803
PHONE 407/894-8184
Mlopezlaw@msn.com

Label Matrix for local noticing
 113A-6
 Case 6:16-bk-04002-ABB
 Middle District of Florida
 Orlando
 Sun Oct 23 13:07:00 EDT 2016

Ability Recovery Servi
 Po Box 4031
 Wyoming, PA 18644-0031

Yaritza Rivera
 11436 Bentry Street
 Orlando, FL 32824-4420
 Afni, Inc.
 Po Box 3097
 Bloomington, IL 61702-3097

Wetherbee Lakes Community Association, Inc.
 c/o Matt G. Firestone, Esq.
 Shuffield, Lowman & Wilson, P.A.
 1000 Legion Place, Suite 1700
 Orlando, FL 32801-1028

(p)AMERICAN HONDA FINANCE
 P O BOX 168088
 IRVING TX 75016-8088

Capita One Bank
 c/o Portfolio Recovery Assc
 PO Box 12914
 Norfolk, VA 23541-0914

Corinthian College
 c/o Jefferson Capital Syst
 PO Box 953185
 Saint Louis, MO 63195-3185

Credit Protection Asso
 13355 Noel Rd Ste 2100
 Dallas, TX 75240-6837

Dept Of Education/Neln
 121 S 13th St
 Lincoln, NE 68508-1904

Dominion Hope
 1201 E 55th St
 Cleveland, OH 44103-1028

Dpt Ed/Slm
 11100 Usa Pkwy
 Fishers, IN 46037-9203

Eastern Account System
 75 Glen Rd Ste 310
 Sandy Hook, CT 06482-1175

FLORIDA HOSPITAL ORLANDO
 C/O KEVIN B WILSON LAW OFFICES
 2810 WALKER RD STE 102
 CHATTANOOGA, TN 37421-1082

Fifth Third Bank
 5050 Kingsley Dr
 Cincinnati, OH 45227-1115

Florida Department Revenue
 Bankruptcy Unit
 PO Box 6668
 Tallahassee, FL 32314-6668

Florida Department of Revenue
 Bankruptcy Unit
 Post Office Box 6668
 Tallahassee FL 32314-6668

Florida Hospital
 PO Box 538800
 Patient Financial Dept
 Orlando, FL 32853-8800

Florida Hospital Orl
 c/o Kevin B Wilson Law
 PO Box 24103
 Chattanooga, TN 37422-4103

Frost Amet Co
 PO Box 198988
 Nashville, TN 37219-8988

HSBC Bank USA, National Association
 Select Portfolio Servicing, Inc.
 Salt Lake City, UT 84165-0450

I C System Inc
 Po Box 64378
 Saint Paul, MN 55164-0378

Internal Revenue Service
 Centralized Insolvency Oper
 PO Box 7346
 Philadelphia, PA 19101-7346

Internal Revenue Service
 Post Office Box 7346
 Philadelphia PA 19101-7346

Laurie K. Weatherford
 PO BOX 3450
 Winter Park, FL 32790-3450

Mbb
 1460 Renaissance Dr
 Park Ridge, IL 60068-1331

Mccoy Federal Credit U
 1900 Mccoy Rd
 Orlando, FL 32809-7896

N Amer Cr - Mail Onl
 2810 Walker Road
 Chattanooga, TN 37421-1082

National Auto Finance Co
 c/o Northstar Loc Serv
 4285 Genesee St
 Cheektowaga, NY 14225-1943

North Amercn
 2810 Walker Rd
 Chattanooga, TN 37421-1082

Orange County Tax Coll
PO Box 2551
Orlando, FL 32802-2551

Orange County Tax Collector
PO Box 545100
Orlando FL 32854-5100

Orlando Health
PO Box 918207
Orlando, FL 32891-0001

Orlando Health
c/o Holloway Credit Sol
286 Carmichael Way
Montgomery, AL 36106

Portfolio Recovery Ass
120 Corporate Blvd Ste 1
Norfolk, VA 23502-4952

(p) PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Quantum3 Group LLC as agent for
CF Medical LLC
PO Box 788
Kirkland, WA 98083-0788

Select Portfolio Svcin
Po Box 65250
Salt Lake City, UT 84165-0250

Slm Financial Corp
11100 Usa Pkwy
Fishers, IN 46037-9203

Syncb/Old Navy
Po Box 965005
Orlando, FL 32896-5005

Syncb/Oldnavydc
Po Box 965005
Orlando, FL 32896-5005

Tridentasset.Com
53 Perimeter Ctr E Ste 4
Atlanta, GA 30346-2294

U.S. Department of Education
C/O Nelnet
121 South 13th Street, Suite 201
Lincoln, NE 68508-1911

University Of Phoenix
4615 E Elwood St Fl 3
Phoenix, AZ 85040-1908

Us Dept Ed
Po Box 7202
Utica, NY 13504-7202

Valencia College
c/o Continental Serv Group
200 Crosskeys Office Park
Fairport, NY 14450-3510

Wetherbee Homeowners Assc
c/o Matt G. Firestone, Esq.
1000 Legion Place, 1700
Orlando, FL 32801-1028

Women Center ofOrlando
c/o Tansworld Systmens
507 Prudential Road
Horsham, PA 19044-2308

no name on CR Liability

Matt G Firestone +
Shuffield, Lowman & Wilson, P.A.
1000 Legion Place, Suite 1700
Orlando, FL 32801-1028

Modesto Lopez +
Modesto Lopez, P.A.
2707 E. Jefferson Street
Orlando, FL 32803-6116

United States Trustee - ORL7/13 7+
Office of the United States Trustee
George C Young Federal Building
400 West Washington Street, Suite 1100
Orlando, FL 32801-2210

Scott C Lewis +
Albertelli Law
PO Box 23028
Tampa, FL 33623-2028

Note: Entries with a '+' at the end of the
name have an email address on file in CMECF

American Honda Finance
Po Box 1027
Alpharetta, GA 30009

Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Arthur B. Briskman
Orlando

(u) HSBC Bank USA, National Association, as Tr

(d) Laurie K Weatherford +
Post Office Box 3450
Winter Park, FL 32790-3450

End of Label Matrix	
Mailable recipients	53
Bypassed recipients	3
Total	56